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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

7

United States of America,

Plaintiff,

v.

Kenneth Hutton,

Case: 2:16-mj-30537
Assigned To : Unassigned
Assign. Date : 11/23/2016
Description: SEALED MATTER (SO)

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of November 4, 2015, in the county of Wayne
in the Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. §1029(a)(3)

Offense Description
Possession of 15 or more counterfeit access devices

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature

S/A Joel Kelso, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/23/2016


Judge's signature

City and state: Detroit, Michigan

Hon. Mona K. Majzoub, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Joel Kelso, being duly sworn, depose and state the following:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since August 31, 2009, at Detroit, Michigan. I am currently assigned to the Violent Gang Task Force where I work a variety of criminal matters including but not limited to violent crimes and the apprehension of federal fugitives. During my career with the FBI, I have utilized a variety of investigative methods including search warrants, surveillance, interviews, and federal grand jury subpoenas.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including communications with others who have personal knowledge of the events and circumstances described herein, oral and written reports about this investigation which your affiant received, directly or indirectly from other law enforcement personnel, as well as information gained through my training and experience.

3. The information outlined below is provided for the limited purpose of establishing probable cause, and does not contain all details or all facts which exist pertaining to this investigation. This affidavit is provided in support of an application for a complaint and an arrest warrant of KENNETH HUTTON d/o/b

//1993. There is probable cause to believe that HUTTON violated Title 18, United States Code, Section 1029(a)(3) (possession of 15 or more counterfeit access devices).

INVESTIGATION & PROBABLE CAUSE

4. The “Bandgang” is a local Detroit street gang founded in Detroit, Michigan, in 2013. It is also known as “Bandgang Shredgang,” BMBG (Big Money Bandgang), and TF (The Family).

5. The existence and structure of Bandgang is well-documented by the Detroit Police Department and the Federal Bureau of Investigation (FBI). In 2013, select gang members from four smaller local Detroit street gangs joined together to form Bandgang. The gang members came from MVHN (Most Valuable Hood Niggas), Hard Work, TTO (The Take Over), and MPR (Money Power Respect). Bandgang now boasts approximately 65 members.

6. Bandgang’s base of operation is primarily on the west side of Detroit. Specifically, Bandgang claims the area north of Fenkell to Outer Drive with a western boundary of Greenfield Highway and an eastern boundary of Schaefer Highway as their territory. Bandgang violently defends its territory from rival gangs by shooting rival gang members that enter it. Some Bandgang members live in the suburbs of Detroit, and the gang members conduct gang and criminal activity in

numerous cities in the State of Michigan. Bandgang also conducts their gang and criminal activity in Pennsylvania, Virginia, Ohio, Nebraska, and Canada.

7. Bandgang members indicate their affiliation with the gang by displaying hand gestures (gang signs), obtaining tattoos, and wearing clothing that says "Bandgang," "Shredgang," "BMBG," and "The Family." Bandgang members also wear jewelry such as necklaces and rings that say "Bandgang," "Shredgang," and "BMBG." Additionally, the jewelry and rings will also have the gang members' street names after "Bandgang," "Shredgang," or "BMBG," such as Bandgang Biggs.

8. Bandgang members also proclaim their affiliation with Bandgang, highlight the existence of the gang, and gang-related "accomplishments" by posting photographs, videos, and messages on various internet social networking sites. Bandgang has their own language that members use to communicate with each other. For example, members replace letters with numbers that correspond to a telephone keypad. For example, Bandgang members will identify themselves with 677, which is MPR (Money Power Respect). Bandgang members also use code words to describe their illegal activity. For example, they use "cheese" for money, "swipping" for conducting illegal credit card fraud, "bins" for batches of illegally obtained credit card numbers, and "choppas" for assault rifles.

9. Bandgang derives its income from the manufacture and use of fraudulent credit cards, selling illegal narcotics, as well as armed robberies of

persons and vehicles that affect interstate commerce, and a variety of other criminal methods. Members of Bandgang have also engaged in shootings, assaults, homicides, and threats of intimidation.

10. Members and associates of Bandgang utilize cellular phones and computers to communicate with one another to plan specific acts of violence and other crimes, to discuss past criminal activity, to coordinate the sale of illegal narcotics, to acquire and use fraudulent credit cards, and to further the goals of the gang. Bandgang members also use multiple social media networks to monitor, track, and communicate with other members in furtherance of Bandgang. Many times, these above-mentioned criminal activities are made through internet connections with their cellular phones.

11. The investigation has identified Kenneth Hutton as a member of Bandgang. Hutton utilizes the street name "Streets." Hutton utilizes Twitter account @677streets. The cover photo for this account depicts Hutton and two other Bandgang members, with Hutton and Bandgang member Victor Sumler, a/k/a Mone, flashing Bandgang hand symbols.

12. On 08/24/2015, Kenneth Hutton conducted an armed robbery of an identified victim at 13535 Puritan, Detroit, Michigan. The victim identified Kenneth Hutton via photo line-up as the individual who robbed him. On 11/04/2015, Kenneth Hutton was arrested by the Detroit Police Department for the armed robbery. During

the search of Hutton incident to his arrest, 24 gift cards were discovered on Hutton's person.

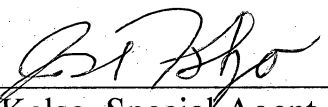
13. On 06/22/2016, Hutton was found guilty of armed robbery in the State of Michigan, Third Judicial Circuit Court, of Wayne County, Michigan and sentenced to 51 months to 15 years for Armed Robbery and 2 years consecutive for Felony Firearms.

14. On 11/22/2016, the FBI assumed custody from the Detroit Police Department of the 24 gift cards and examined them. Upon examination, all 24 gift cards were found to have different numbers encoded on the magnetic strip on the back of the gift cards than the numbers embossed on the front of the gift cards. Therefore, the gift cards had been altered and are fraudulent. Of the 24 gift cards, numerous account numbers encoded on the back of the fraudulent gift cards belonged to U.S. Bank. U.S. Bank is headquartered at 800 Nicollet Mall, 21st Floor, Minneapolis, MN 55402, and therefore, possession of the gift cards with fraudulent account numbers encoded on them affects interstate commerce.

15. Examination of the 24 fraudulent credit cards determined that numerous stolen account numbers that were encoded onto the magnetic stripes on the back of the cards belonged to U.S. Bank which is headquartered in Minneapolis, MN. Said cards and account numbers are counterfeit access devices as defined Title 18, United States Code, Section 1029(e)(2).

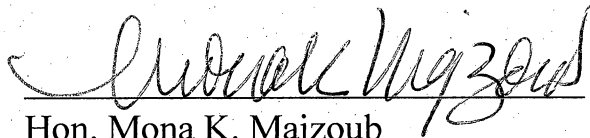
CONCLUSION

16. Based on the above facts, I have probable cause to believe that on November 4, 2015, Kenneth Hutton, did knowingly and with intent to defraud, have custody and control over 24 fraudulent credit cards, and in doing so affected interstate and foreign commerce, in violation of 18 U.S.C. § 1029 (a)(3) (possession of 15 or more counterfeit access devices) in the County of Wayne, Eastern Judicial District of Michigan.



Joel Kelso, Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me on this 23th day of November, 2016.



Hon. Monal K. Majzoub
UNITED STATES MAGISTRATE JUDGE